

National Aeronautics and
Space Administration

John H. Glenn Research Center
Lewis Field
Cleveland, OH 44135-3191



Reply to Attn of: X

JUL 11 2007

FedSources
Attn: Rajitha Uppalli
8400 Westpark Dr., 4th Floor
McLean, VA 22102

Subject: Freedom of Information Act Request No. GRC-07-034

This letter is to advise you that a releasability determination regarding NASA contract NNC07CA01C including attachments A, B and C to the contract has been made. This determination has taken into consideration the relevant statutes, case law, and guidance, as well as comments received from the submitter of that information and the Contracting Officer. Accordingly, it is my decision to partially deny your request. The basis for this partial denial is set forth below.

Attachments A, B and C are releasable in full. However, the following information listed in the contract has been identified as exempt from release under Exemption 4 of the FOIA, 5 U.S.C § 552(b):

Contract – NNC07CA01C:

- Page B-2, Clause B.3 entitled "Estimated Cost and Fixed Fee". The dollar amounts listed in paragraph (a) for the estimated cost for CLIN 1 and the fixed fee.
- Page B-2, Clause B.4 entitled "Contract Funding". The dollar amounts listed in paragraphs (a) and (b).
- Page H-5, Clause H.5 entitled "Additional Task Order Procedures"; the task order pricing rate chart. The rates listed in each column for FY2007, FY2008 and FY2009.

The information identified above is exempt from release under Exemption 4 of the FOIA as "commercial and financial information, and obtained from a person, as privileged or confidential." This information reveals the unique methods, procedures, and/or techniques employed by the contractor to accomplish the contract, and therefore, is considered to be confidential. The initial determination has been made that the information is exempt from release under the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

In order to properly and effectively conduct procurements, it is necessary for the Government to obtain detailed technical, financial, and commercial data. Only through evaluation of complete

and accurate data of this type can the Government hope to negotiate an agreement that best meets its requirements, both cost and technical. It is mandatory that the federal procurement

process be handled in a manner that fosters and promotes uninhibited transmission of confidential material. In short, public disclosure of this information would undermine the integrity of the federal procurement process.

In addition to protecting the Government's ability to obtain necessary information, exemption (b)(4) protects the competitive position of submitters. Disclosure of the requested information could cause substantial competitive injury to submitters because it would reveal insights into their business practices. Again, public disclosure of this information would undermine the integrity of the federal procurement process.

The itemized charges for furnishing you this material are as follows:

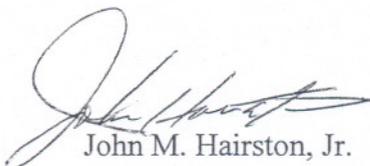
CD:	\$ 25.00	
Search/Review:	7.50	(.25 hrs. @ \$7.50/1/4 hr. Professional)
Review (Attorney):	<u>11.25</u>	(.25 hr @ \$11.25/1/4 hr. Attorney)
Total	\$ 43.75	

Payment should be made through Pay.gov. Pay.gov has been developed to meet the Financial Management Services commitment to process collections electronically using Internet technologies. Please refer to the attached document detailing the process for submitting payment for the fees incurred to process this FOIA request.

Please be advised that the amount due must be paid in full within 30 days. The 30-day period will begin three days after the date of this letter. In remitting payment, please reference FOIA request 07-034.

You may appeal this initial determination to the NASA Administrator. Your appeal must (1) be addressed to the **Administrator, National Aeronautics and Space (NASA), Mail Stop: P, 300 E. Street SW, Washington, DC 20546**; (2) be clearly identified on the envelope and in the letter as an "Appeal under the Freedom of Information Act (FOIA)"; (3) include a copy of the request for the Agency record and a copy of this initial determination; (4) to the extent possible, state the reasons why you believe this decision should be reversed; and (5) be sent to the Administrator within 30 calendar days of the date of the receipt of this initial determination.

If you need further assistance, please contact Angela Pierce, FOIA Officer, at (216) 433-2813 or via e-mail at foia@grc.nasa.gov.



John M. Hairston, Jr.
Director of External Program